

REMARKS

Applicants respectfully request reconsideration of this application, and reconsideration of the Office Action dated July 15, 2003 (Paper No. 17). Upon entry of this Amendment, claims 1-12, 29 and 32-48 will remain pending in this application. Claim 49 is cancelled and claims 1-9, 11, 12, and 29 are withdrawn. The amendments to the claims are supported by the specification and original claims. No new matter is incorporated by this Amendment.

Applicants gratefully acknowledge that Examiner's indication that claims 10, 32, 38-40 and 42 are allowed.

* * *

Claim 49 is objected to as purportedly being a substantial duplicate of claim 10. In an attempt to further the present application towards allowance, Applicants have cancelled claim 49. Hence, the objection is moot.

* * *

Claims 33-37, 41, and 43-48 are rejected under 35 U.S.C. § 112, first paragraph, as purportedly not being adequately described by the specification. Applicants respectfully traverse.

The Office Action asserts that there is no written description in the specification for the biological activity of SEQ ID NO: 2. Applicants respectfully submit that the claims have been amended to no longer recite the term "activity." Hence, the rejection is overcome and its withdrawal is respectfully requested.

* * *

Claims 33-37, 41, and 43-48 are rejected under 35 U.S.C. § 112, first paragraph, as purportedly indefinite. Applicants also respectfully traverse this rejection.

The Office Action asserts that the phrase "activity of polypeptide ..." in the claims is indefinite. In response and as stated above, the claims have been amended so that they no longer recite the term "activity."

In addition, the Office Action asserts that the term "including" in claim 37 is vague. In response, Applicants have replaced the word "including" with the word "comprising."

In view of the above remarks, Applicants respectfully submit that this rejection is overcome. Hence, reconsideration and withdrawal of the rejection are respectfully requested.

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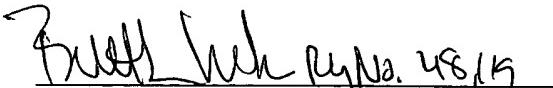
Applicants respectfully submit that this Amendment and the above remarks obviate the outstanding objection and rejections in this case, thereby placing the application in condition for immediate allowance. Allowance of this application is earnestly solicited.

Furthermore, if the Examiner deems that this Amendment does not place the application in condition for allowance, the Examiner is respectfully requested to contact Applicants' undersigned representative to discuss any remaining issues.

If any fees are due in connection with the filing of this Amendment, such as fees under 37 C.F.R. §§1.16 or 1.17, please charge the fees to Deposit Account 02-4300; Order No. 032301.205.

Respectfully submitted,

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Dated: September 9, 2003
RGW/BLN

LISTING OF CLAIMS

Claims 1-9 (withdrawn)

Claim 10 (previously amended): A transformed Coryneform bacterium comprising an isolated sigH gene having the polynucleotide sequence of SEQ ID NO: 1.

Claims 11 and 12 (withdrawn)

Claims 13-28 (cancelled)

Claim 29 (withdrawn)

Claims 30 and 31 (cancelled)

Claim 32 (previously added): The bacterium of claim 10, wherein said sigH gene is over-expressed.

Claim 33 (currently amended): A transformed recombinant coryneform bacterium comprising an increased intracellular concentration ~~or activity~~ of polypeptide having the amino acid sequence of SEQ ID NO: 2, wherein said intracellular concentration ~~or activity~~ is increased by at least 10% over a concentration ~~or activity~~ of a wild type coryneform bacterium.

Claim 34 (currently amended): The coryneform bacterium of claim 33, wherein said intracellular concentration ~~or activity~~ is increased by at least 25 % over the concentration or activity of a wild type coryneform bacterium.

Claim 35 (currently amended): The coryneform bacterium of claim 33, wherein said intracellular concentration ~~or activity~~ is increased by at least 50 % over the concentration or activity of a wild type coryneform bacterium.

Claim 36 (previously added): The coryneform bacterium of claim 33, wherein said polypeptide is encoded by an isolated polynucleotide comprising the nucleotide sequence of SEQ ID NO: 1 and said polypeptide is over-expressed.

Claim 37 (currently amended): The coryneform bacterium of claim 36, wherein said isolated polynucleotide ~~includes~~ comprises nucleotides 302 to 919 of SEQ ID NO: 1.

Claim 38 (previously added): A transformed coryneform bacterium comprising an isolated polynucleotide encoding a polypeptide comprising the amino acid sequence of SEQ ID NO: 2.

Claim 39 (previously added): The coryneform bacterium of claim 38, wherein said polypeptide is over-expressed to the extent that an intracellular concentration of said polypeptide is increased by at least 10% over a concentration in a wild type coryneform bacterium.

Claim 40 (previously added): The coryneform bacterium of claim 39, wherein said over-expression of said polypeptide is achieved by increasing the copy number of the polynucleotide encoding said polypeptide.

Claim 41 (previously added): The coryneform bacterium of claim 33, wherein said coryneform bacterium is selected from the group consisting of *Corynebacterium glutamicum*, *Corynebacterium acetoglutamicum*, *Corynebacterium acetoacidophilum*, *Corynebacterium thermoaminogenes*, *Corynebacterium melassecola*, *Brevibacterium flavum*, *Brevibacterium lactofermentum*, and *Brevibacterium divaricatum*.

Claim 42 (previously added): The coryneform bacterium of claim 38 wherein said coryneform bacterium is selected from the group consisting of *Corynebacterium glutamicum*, *Corynebacterium acetoglutamicum*, *Corynebacterium acetoacidophilum*, *Corynebacterium thermoaminogenes*, *Corynebacterium melassecola*, *Brevibacterium flavum*, *Brevibacterium lactofermentum*, and *Brevibacterium divaricatum*.

Claim 43 (previously added): The coryneform bacterium of claim 33, wherein said coryneform bacterium produces an L-amino acid selected from the group consisting of L-asparagine, L-threonine, L-serine, L-glutamate, L-glycine, L-alanine, L-cysteine, L-valine, L-methionine, L-isoleucine, L-leucine, L-tyrosine, L-phenylalanine, L-histidine, L-lysine, L-tryptophan and L-arginine.

Claim 44 (previously added): The coryneform bacterium of claim 43, wherein said L-amino acid is L-lysine.

Claim 45 (previously added): The coryneform bacterium of claim 34, wherein said coryneform bacterium produces an L-amino acid selected from the group consisting of L-asparagine, L-threonine, L-serine, L-glutamate, L-glycine, L-alanine, L-cysteine, L-valine, L-methionine, L-isoleucine, L-leucine, L-tyrosine, L-phenylalanine, L-histidine, L-lysine, L-tryptophan and L-arginine.

Claim 46 (previously added): The coryneform bacterium of claim 45, wherein said L-amino acid is L-lysine.

Claim 47 (previously added): The coryneform bacterium of claim 41, wherein said coryneform bacterium produces an L-amino acid selected from the group consisting of L-asparagine, L-threonine, L-serine, L-glutamate, L-glycine, L-alanine, L-cysteine, L-valine, L-methionine, L-isoleucine, L-leucine, L-tyrosine, L-phenylalanine, L-histidine, L-lysine, L-tryptophan and L-arginine.

Claim 48 (previously added): The coryneform bacterium of claim 47, wherein said L-amino acid is L-lysine.

Claim 49 (cancelled)